

T.D 34C

PATENT

Attorney Docket No. 72978



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): LI et al.

Appln No.: 10/075,105

Filed: February 13, 2002

For: A BI-DIRECTIONAL DUAL
PROMOTER COMPLEX WITH
ENHANCED PROMOTER
ACTIVITY FOR TRANSGENE
EXPRESSION IN EUKARYOTES

Group Art

Unit: 1645

Examiner: Not Yet Known

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on this date.

08/19/02

Date

James P. Krueger

Registration No. 35,234

Attorney for Applicant(s)

RESPONSE TO NOTICE TO FILE MISSING PARTS

Box MISSING PARTS

Commissioner of Patents and Trademarks

ATTENTION: Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts dated April 18, 2002, enclosed are:

- A copy of the Notice to File Missing Parts.
- An executed Declaration for Patent Application, including Power of Attorney.
- 37 sheet(s) of drawings are enclosed. Formal Informal
- An Assignment of the invention to University of Florida, and Recordation Form Cover Sheet - Patents Only - Form PTO-1595.
- A check in the amount of \$ _____ to cover the fee for recording the assignment.
- The Recordation Form Cover Sheet includes authorization to charge our Deposit Account for recording the assignment.
- A Preliminary Amendment
- A Statement Concerning Sequence Listing

- Written and Computer readable Sequence Listing.
- Petition for Two Month Extension of Time
- Fee Calculation:

Fee Calculation For Claims As Filed

<input type="checkbox"/>	Provisional Application Basic Fee	\$160.00	
	Surcharge under 37 C.F.R. §1.16(1)	\$ 50.00	
<input checked="" type="checkbox"/>	Non-Provisional Utility Application Basic Fee	\$ 740.00	\$ 740.00
	Independent Claims <u>7</u> - <u>3</u> = <u>4</u>	x \$ 84.00	= \$ 336.00
	Total Claims <u>23</u> - <u>20</u> = <u>3</u>	x \$ 18.00	= \$ 54.00
	Fee for Multiply Dependent Claims	\$ 280.00	
	Surcharge under 37 C.F.R. §1.16(e)	\$ 130.00	\$ 130.00
<input type="checkbox"/>	Design Application Basic Fee	\$ 330.00	
	Surcharge under 37 C.F.R. §1.16(e)	\$ 130.00	
	Total Filing and/or Surcharge Fee	\$ 1,260.00	

- Applicant(s) assert entitlement to Small Entity Status, reducing the Filing/Surcharge Fee by half to: \$ 0.00
- A check in the amount of \$ _____ to cover the Filing and/or Surcharge Fee.
- Charge \$ 1,260.00 to Deposit Account No. 06-1135.
- The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. This sheet is filed in triplicate.

August 19, 2002

Date

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UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 22 2002

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/075,105	02/13/2002	Zhijian Li	72978

22242
FITCH EVEN TABIN AND FLANNERY
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SUITE 1600
CHICAGO, IL 60603-3406

CONFIRMATION NO. 6947
FORMALITIES LETTER



OC000000007898127

Date Mailed: 04/18/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$390.
 - \$54 for 3 total claims over 20.
 - \$336 for 4 independent claims over 3 .
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1260.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
 - drawings contain excessive text. Suitable descriptive legends may be used, or may be required by the Examiner where necessary for understanding of the drawing but should contain as few words as possible (see 37 CFR 1.84(o));

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SDENB081 00000088 061135
08/03/2002 SDENB081 00000088 061135
FC:101 740.00 CH
FC:102 54.00 CH
FC:103 336.00 CH
FC:104 130.00 CH
FC:105

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at
patin21help@uspto.gov or patin3help@uspto.gov**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE